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ELECTION COMMISSION, INDIA

New Delhi, the 24th May, 1957

S.R.O. 1842.—In pursuance of the provisions of sub-section (1) of Section 86 of the Representation of the People Act, 1951, the Election Commission hereby publishes a copy of the Election Petition No. 463 of 1957, presented to the Commission on the 6th May, 1957 under Section 81 of the said Act, by Shri Kapildeo, son of Banshi Pandey, Resident of Village Deoria, Tappa Dandopur, Pargana Sidhua Jobna, Tehsil and Post Office Padrauna, District Deoria calling in question the election to the House of the People from the Hata constituency of that House of Shri Kashinath Pande, M.P., Village Phursatpur, P.O. Kubernath, District Deoria, at present residing at Shahanshah Manzil, Baroodkhana, Golaganj, Lucknow.

Presented to me by Shri Kapildeo, whose signature has been obtained in the margin and attested as having been signed before me this the sixth day of May One Thousand Nine Hundred and Fifty Seven.

BEFORE THE ELECTION COMMISSION OF INDIA, NEW DELHI

ELECTION PETITION No. 463 OF 1957

Kapildeo, son of Banshi Pandey, Resident of Village Deoria, Tappa Dandopur, Pargana Sidhua Jobna, Tehsil and Post Office Padrauna, District Deoria—Petitioner.

Versus

1. Shri Kashinath Pande, M.P. of village Phursatpur, P.O. Kubernath, District Deoria, at present residing at Shahanshah Manzil, Baroodkhana, Golaganj, Lucknow.

2. Shri Genda Singh, M.L.A., Lucknow.

3. Shri Rajendra Kishore Sahi, Vakil, Civil Court, Deoria, P.O. and District Deoria.

4. Shri Madan Pal Singh, General Manager, Lakshmi Devi Sugar Mills, Chhitauni, District Deoria.

5. Shri Shibban Lal Saxena, M.P., Main Bazar, Gorakhpur—Respondents.

The petitioner abovenamed respectfully submits and states as follows:—

1. That the petitioner is an elector entered in the Electoral Roll of the Hata Parliamentary Constituency of District Deoria in the State of Uttar Pradesh.

2. That the respondents Nos. 1 to 5 were contesting candidates at the last general election from the said Hata Single member Parliamentary constituency and contested the election for the membership of the Lok Sabha.

3. That the said Hata Parliamentary Constituency is comprised of four State Legislative Assembly constituencies namely (1) Padrauna North single member constituency in Deoria District; (2) Sidhua Jobna double member constituency in Deoria District; (3) Hata Single member constituency in Deoria District; and (4) Tilpur single member constituency in Gorakhpur District. The petitioner was the K.M.P.P. candidate for the O.P. Legislative Assembly from Sidhua Jobna double member constituency for the General seat but was defeated. Prof. Shibbanlal Saxena, Respondent No. 5 was the K.H.D.D. candidate for Parliament from Hata Parliamentary Constituency but was defeated though he

was elected to Parliament from Maharajganj Parliamentary Constituency from where also he contested.

4. That polling took place in the said Hata Parliamentary constituency on 3 different dates, viz., on 28th February, 1957 in the said Padrauna North, Assembly Constituency, on 3rd March, 1957, in the said Hata and Sidhna Jobna Assembly Constituencies, and on 9th March, 1957 in Tilpur Assembly Constituency.

5. That the counting of votes cast in favour of respondent was completed on 22nd March, 1957 and the respondent No. 1 was declared elected on that date.

6. That the election of Respondent No. 1, the returned candidate, was and is void and the same should be declared void *inter alia* on the following grounds:—

(a) That corrupt practices including, bribery and undue influence and hiring and procuring of vehicles for conveyance of electors to and from polling stations, and incurring or procuring or abetting, or attempting to abet on procure assistance for the furtherance of the prospects of the returned candidates' election from persons in the service of the Government, and belonging to the classes specified in Section 123(7) of the Representation of Peoples' Act, 1951 and incurring or authorizing of expenditure in contravention of Section 77 of the R.P. Act, 1951, were committed by the returned candidate or the election agent or by any other persons, with the consent of the returned candidate or his election agent.

(b) That in any event the result of the election has been materially affected by corrupt practices, committed in the interests of the returned candidate by persons other than that candidate or his election agent or persons acting with the consent of such candidates or election agent, or by non-compliance with the provisions of the said Act, or of any rules or orders made under that Act.

Particulars are set out hereunder and also in the Schedules annexed hereto which should be considered as part of this petition.

7. That the election of the respondent No. 1 has not been free and fair on account of corrupt practices committed by the respondent No. 1, his polling agents and by other persons with the consent of the respondent No. 1. The particulars of these corrupt practices are given in the various schedules annexed to this petition, which form part of it.

8. That respondent No. 1 and other persons and his agents who were interested in his election made gifts or offers, or paid gratification to persons to vote for respondent No. 1 and for the Congress candidates for State Assembly in the four assembly constituencies mentioned in para. 4 above. Particulars of bribery are given in Schedule I annexed to this petition which forms part of it.

9. That respondent No. 1 and other persons interested in the election of respondent No. 1 with his consent interfered directly and indirectly with the free exercise of electoral rights by electors. The particulars are detailed in Schedule II which is annexed to this petition and forms part of it.

10. That respondent No. 1 and others interested in the election of respondent No. 1 with his consent exercised undue influence directly and indirectly on some of the electors and candidates to abstain from exercising their rights as electors and citizens of the Republic of India. Particulars of these are given in Schedule III which is annexed to this petition and forms part of it.

11. That persons interested in the election of respondent No. 1 with his consent used the national flag and the national emblem for the furtherance of the prospects of election of respondent No. 1. Particulars of these are detailed in Schedule IV which is annexed to this petition and forms part of it.

12. That respondent No. 1 and other persons interested in his election with his consent hired and procured vehicles for the conveyance of electors to and from polling stations. The particulars of this are given in Schedule V which is annexed to this petition and forms part of it.

13. That respondent No. 1 and others interested in his election with his consent made statements which were false to their knowledge in relation to the personal character and conduct of Prof. Shibban Lal Saksena which were calculated to prejudice the prospects of his election. The particulars are given in Schedule VI which is annexed to this petition and forms part of it.

14. That respondent No. 1 has not maintained and has not submitted the correct account of his election expenses in the manner required. The total expenses incurred by him were much more than the prescribed limit of Rs. 25,000 under Section 77 of the Representation of Peoples Act. The particulars are given in Schedule VII which is annexed to this petition and forms part of it.

15. That respondent No. 1 and others, interested in his election with his consent attempted to obtain and obtained assistance other than the giving of votes, for furtherance of the prospects of the election of the respondent No. 1 from persons in service of the Government, namely Gazetted Officers, Magistrates, members of the Police Force, Revenue Officers, Sugar Cane development department officials, Lekhpals and many others. The particulars of these are given in Schedule VIII which is annexed to this petition and forms part of it.

16. That the result of the election has been materially affected by corrupt practices committed by respondent No. 1 and his supporters acting with the consent of respondent No. 1. Particulars are given in the various schedules 1 to 15 which are annexed to this petition and form part of it.

17. That respondent No. 1, his agents and workers encouraged false personation and secured votes of persons who are either dead or who could not attend the polling station for the exercise of their votes; some instances of such corrupt practices are mentioned in Schedule IX. Other instances will be given after inspection of marked lists and ballot papers and other relevant records.

18. That Respondent No. 1 and the allied Congress Candidates for the Legislative Assembly freely distributed and also displayed posters with a view to cause undue influence on the voters. One poster was freely displayed throughout the Constituency and at all conspicuous places which contained the following expression:—

"Jina Hai to vote do, do Baillon ki jori men"

This was designed with a view to create terror in the minds of illiterate voters and thus respondent No. 1 succeeded in improperly securing thousands of votes in his favour.

19. That Muslim voters who formed a large number of electors in the Constituency were threatened by Respondent No. 1 and his allied Assembly candidates that if they did not vote for the Congress, they will have to go to Pakistan as it will become too hot for them to continue to live in India. Particulars about these facts are mentioned in Schedule X.

20. That Respondent No. 1 and his allied Congress Assembly candidates getting alarmed at the increasing chances of the Victory in election of the petitioner and of Pof. Shibban Lal Saxena, the Parliamentary candidate of the Petitioner's party even arranged to confine the petitioner illegally inside his house by their agents, Sarswati Pande, Markande Pande, Aswani Kumar Pande and Hausila Tiwari and others of his village so that he might not be able to get out and continue his work of canvassing. The Petitioner actually remained under illegal and forced confinement in his own house from 24th to 28th February 1957 and was able to come out only when Sri Shibban Lal Saxena, Parliamentary candidate of the K. M. P. P. from the Hata Constituency reached there, and after the Petitioner had telegraphically informed the Election Commission and the District Authorities by telegram and by applications to Local Police Authorities about this illegal and forced confinement in his own village.

21. That the Cane Commissioner issued directions to the Co-operative Cane Development Union, Chitauni to help the election of Respondent No. 1 and his allied Congress Assembly Candidates in every possible way. The entire staff of the cane Unions, A. C. D. O.s Secretaries, supervisors and Kamdars, and other employees were ordered to work in the election Campaign of Respondent No. 1 and his allied Congress Assembly candidates. Those who did not work or refused to work were penalised and one of them Sri Banke Lal, wightment clerk at Chhitauni, was dismissed from service without any charge sheet being issued. The distribution of Requisition slips for supply of sugar cane was made with a view to favour those who promised to support and canvass for respondent No. 1 and his allied Congress Candidates and the usual method of equitable distribution of requisition slips according to cane rules was not put in practice. Payment for sugar cane supplies was also stopped or delayed in case of wrokers of the petitioner and of Sri Shibban Lal Saxena, the candidate for Parliament. The Society also opened and managed cheap grain shops opened by the Government and managed them in such a manner that those who supported the election of Respondent No. 1 and his allied Congress candidates and others were favoured.

The workers of the petitioner and of other parties were refused grains at these shops and were taunted that they should obtain grains from the petitioner or from Shri Shibban Lal Saxena. Particulars are given in Schedule XI.

22. That Respondent No. 1 and his allied Congress Assembly candidates secured the services of workers and supporters by strong promises that they will be given employment in some Government Departments immediately after the elections. Particulars are given in Schedule XII.

23. That Respondent No. 1 and his allied Congress Assembly Candidates hired persons to disturb and to prevent the holding of meetings of the petitioner and of Sri Shibban Lal Saxena and of others opposed to them. They also got the posters of the Petitioner and other parties torn off and removed from the places where they were pasted. Some instances are given in Schedule XIII.

24. That Respondent No. 1 and his allied Congress assembly candidates first cajoled and thereafter threatened Janki Saran of village Kop Jungle, Majeed of Town Area Captalanganj, Rajpat Harijan of Lilapatti, and Abhiraj Harijan of Kathkuiyan and many others who were active canvassors and polling agents of the petitioner and Sri Shibban Lal Saxena in various ways with a view to force them to stop the work of the petitioner and Sri Shibban Lal Saxena. Particulars are given in Schedule XIV.

25. That canvassing within 100 yards of the polling stations was carried on by workers and Polling agents of Respondent No. 1 and his allied Congress Assembly candidates. At most of the Polling stations complaints were lodged but were not entertained by the Presiding Officers in many cases. At some places complaints were entertained and particulars are given in Schedule XV.

26. That ballot boxes of the petitioner and his party candidates were closed by drawing the slits by the agents, and workers of respondent No. 1 and his allied Congress Assembly candidates when they went to vote inside the Polling booths at several places. When this fact was brought to the notice of the Presiding Officer at Chhitauni, he changed the Ballot box after voting had continued for three hours.

27. That the result of the election in so far as it concerns the election of respondent No. 1 has been materially affected by non-compliance with the provisions of the Constitution of the Republic of India, Representation of Peoples Act 1951 and the rules made thereunder.

28. That the petitioner is entitled to maintain the Election Petition.

29. That on account of the facts stated in the foregoing paragraphs the election of the Respondent is void.

PRAYER

The petitioner therefore prays for the following reliefs:

- A. That the election of the respondent No. 1 be declared void;
- B. That any other or further relief to which the petitioner may be found entitled may also be granted;
- C. That the petitioner may be allowed his costs
- D. That respondent No. 1 be disqualified as being guilty of corrupt practices for such period as the Tribunal may think fit.

New Delhi, the 6th May, 1957

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner

I, Kapildeo the petitioner do hereby verify that the statements contained in paras 1, 2, 3, 4, 5, 18, 20 and 28 are true to my personal knowledge, those in paras 12, 17, 19, 23, 24, 25, 26, 27, and 29 are based on information received from my workers, and agents which I believe to be true and those in paras 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 21, and 22 partly are true to my personal knowledge and partly on information received which information I believe to be true. Verified on this 6th Day of May, 1957, at New Delhi.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

Treasury receipt for Rs 1000/-/- X10.2160 of Delhi State Bank of India Dated 6th May, 1957, is attached herewith.

(Sd.) KAPIL DEO,
Petitioner.
6-5-57

SCHEDULE I (A)

Respondent No. 1 and Shri Rajdeo Upadhya and Shiv Prasad, the two Assembly candidates seeking election from Sidna Jobna Double member Assembly Consti-

tuency on the Congress Ticket and their agents and supporters started a strange so-called Satyagrah at Lakshmi Devi Sugar Mills Ltd. Chhitauni for the reinstatement of 76 workmen who were dismissed in pursuance of the order of the Supreme Court of India dated 24th October, 1956. The so-called Satyagrah was continued by respondent No. 1 and his allied Congress Assembly candidates, their agents and others interested in their election from 17th January 1957 to 15th February 1957 for showing themselves off as champions of labour and to woo the labour to vote for him and for the other Congress candidates and to keep engaged Shri Madan Pal Singh, the Manager, who was a candidate for Parliament as well as U.P. State Assembly, so that he might not be able to devote his attention and energies to his election campaign. The said Shri Madan Pal Singh brought all the facts and circumstances to the notice of the district authorities of Deoria and also of the State Government, but no step whatsoever was taken either by the District authorities or the Government to let the factory function by the removal of trespassers from the Sugar-cane weighbridge of the said Lakshmi Devi Sugar Mills Ltd., though Police and Magistrate were present even on 17th January 1957. Due to the stoppage of the Mills, harassment was caused to the cane-growers and the congress workers of respondent No. 1 told the cane-growers that respondent No. 1 could alone save them by allowing the Mills to start crushing and thus promises for voting for Respondent No. 1 and Shri Rajdeo Upadhyaya and Shiv Prasad Congress candidates for State Legislative Assembly, were extorted from them.

Shri C. B. Gupta, Ex-Hon'ble Minister for Planning and Industries U.P. in his zeal to support the cause of the respondent No. 1 who is a labour leader of his party, manipulated things in such a way that no steps to remove the trespassers were taken till 15th February, 1957. The Police posted at the said Mills had orders to arrest the said Shri Madan Pal Singh on the slightest pretext and thus he was virtually under house arrest during the period of this so-called Satyagrah.

The Ex-Hon'ble Minister Shri C. B. Gupta, then Minister for Planning and Industries in the course of his election tour visited various places in Deoria District and reached Gorakhpur in the night of 12th February, 1957. Respondent No. 1 and his supporters had threatened some of the Directors and parties of the said Mills that the said Hon'ble Minister had studied the condition of this Mill and very soon an authorised Controller of the Mill would be appointed. The threat of the appointment of an authorised Controller frightened the directors and they were asked by Respondent No. 1 to see the said, Hon'ble Minister in the night in the Inspection House at Gorakhpur. Some of the partners met him at the Inspection House where he told them that their Mills would not be allowed to start crushing unless they dismissed their Manager Shri Madan Pal Singh and agreed to the terms of the respondent No. 1. They were highly nervous and frightened and were not even allowed to explain their position. The said Hon'ble Minister directed them to get in contact with respondent No. 1. In the morning of 13th February, 1957 they again saw the said Minister when he told them that he could request respondent No. 1 to settle their matter and before leaving Gorakhpur he telephoned to respondent No. 1 at Padrauna to talk with them. On 13th February 1957 the parties of the said Mills after their return from the Inspection House, telephoned to respondent No. 1, and entreated him to come to Gorakhpur. The respondent No. 1 reached Gorakhpur in the night of 13th February, 1957. On the 14th February, 1957, respondent No. 1 asked the partners present *inter alia* to dismiss Shri Madan Pal Singh and to re-instate the 76 dismissed employees and also those whose cases were pending in courts and if they did not dismiss Shri Madan Pal Singh just then, they should ask Shri Madan Pal Singh to withdraw from election contests for the Lok Sabha and the U.P. Assembly for both of which he was a candidate. The partners present told respondent No. 1 that they could not agree to his demands as dictated by him. The respondent No. 1 then suggested that the demands may be referred to arbitration of Shri O. N. Misra, Labour Commissioner, U.P., for arbitration. The parties present in the meeting were highly frightened by the threat of appointment of an authorised controller and also by the wrath of the said then Hon'ble Minister for Planning and Industries and they agreed to refer the matter to arbitration. Shri R. P. Maheshwari, Regional Conciliation Officer, Gorakhpur and respondent No. 1 prepared a draft agreement, got it signed by those directors who were present, excluding Shri Ratan Lal Kedia and Shri Bholiram Jhunjhunwala, who signed it at their place. The said R.C.O., Gorakhpur, got it signed by them.

After the signing of the alleged agreement, the respondent No. 1 asked the Chief Minister U.P. on Phone to allow the said Mill to start working and also to direct the Cane Commissioner U.P. to issue necessary direction to the local Co-operative Development Unions to start the cane supply which had been stopped, and consequently every thing as desired by respondent No. 1 was done. Mills

started crushing on 15th February, 1957. As promised the partners asked Shri M. P. Singh to withdraw from the contest to the U.P. Legislative Assembly and the Lok Sabha for both of which he was a candidate and he under threat of dismissal had to file retirement applications from both the contests. The retirement applications were filed on the 20th February, 1957. Accordingly he ceased to be a contesting candidate for the Sidna Jobna Assembly constituency where election was fixed for 3rd March, but his application for retirement from the Hata Lok Sabha Election was a day too late as Election in one part of this constituency was to begin on 28th February, but even though he could not cease to be a contesting candidate for Lok Sabha, he was not permitted to do any work for his election. During the period of the so-called Satyagrah Shri Madan Pal Singh's personal character and conduct was painted in the darkest colour by the respondent No. 1, Sri Gopal Krishan, Shri Bhagwat Sahi, and Shri Rajdeo Upadhyaya in various meetings held at Deoria, Ramkola, Captainganj, Chhitauni, Padrauna, Kusia, Lakshmaniganj, and the election campaign of the respondent No. 1 was a regular campaign of vilification of Shri Madan Pal Singh.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO.
Petitioner.

SCHEDULE 1
(B)

Each voter of village Chhitauni near Kope jungle was given Rs. 3 by respondent No. 1 through Shri Rajdeo Upadhyaya as a bribe to vote for him and for the allied congress candidates for the U.P. Assembly. A sum of Rs. 10 with a blanket and some clothes was given to each of the persons named below ten days before the election date to secure their votes for respondent No. 1 and the allied congress candidates for the assembly:—

1. Pal Pasi of village Harpur.
2. Sheo Baran Pasi of Pipra Khurd.
3. Umraio of village Pipra Khurd.
4. Sukhai Bhagat of Pipra Mafi.
5. Thakur Pasi and Mahadeo of village Pipra Khurd.
6. Ram Newas of village Sapaha.
7. Ram Saroop Sabhapati of Sapaha.
8. Baramdeo ahir of Ragarganj.
9. Saroo ahir of village Dalchhia.
10. Sitaram Hajjam of Ramkola.
11. Ajodhayee Hajjam and Budhayee Hajjam of Saran Chhapra.
12. Kasim ali of Parsunal.

(C)

Big sums were paid by the respondent No. 1 and the allied congress Assembly candidates to Thakur Lonia, Panch and Parma Panch of village Bulahwa, Naiapala Mahto, Sabhapati of Pakarihwa, and a cycle No. 113770 was given to Sitaram Rai of Khadda as bribes for canvassing for and securing votes for them. Baikunth Nath of Khadda was given a cycle and a radio set. Sitaram Hajjam of Ramkola, and Dhondha of Ramkola, and Rajnath Sharma of Dharampur were given cycles.

(D)

Persons given Cash bribes. Were as under:—

Parasnath Pande of Baluhi Rs. 30 P.M.

Trijugi Narayan Pande of Baluhi Rs. 45 P.M.

Dhondha of village Ramkola was given 75 per month for working for respondent No. 1. Kashinath Pande during the election months.

Shri Raj Kishore Pande resident of village Baishar P.O. Siwa Bazar Shri Nand Raj resident of Harpur Pakari *alias* Shiwala P.O. Siwa Bazar were given one cycle each.

On 28th February, 1957 at 9 A.M. Mohar Mehtar resident of Kathakuiyan was given Rs. 20 by Shri Vijai Bahadur Pande labour welfare officer at Kathkiyuan Sugar Mills and brother of the respondent No. 1.

Sri Ganga Hajjam s/o Sri Bhulot Hajjam Pradhan of village Bhawalia, P.O. Padrauna was bribed by Sri Bhagat Shahi labour leader and supporter and Polling agent of respondent No. 1.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

I, Kapildeo, do hereby verify that the contents of the above Schedule are based on information received which I believe to be true.

Veried on 6th May at New Delhi.

Sd/- KAPIL DEO,
Petitioner.

SCHEDULE II

Part (A)

List of some persons to whom subsidy was given by the Tehsildar Hata in village Pipra Tiwari on 18th February, 1957 and in village Mathia Raja and Ghortap, Singhpur Baghnath and Pipra Humel on 20th February, 1957 under the personal supervision of Shri Suraj Bali Pandey who was canvassing both for himself and for Respondent No. 1 in a joint Election Campaign. All the voters in these villages who were against the congress became active supporters of the congress after this free distribution of money. The names are given below date wise and village wise.

Name to whom subsidy was given	Amount of subsidy
1	2
Rs.	
<i>Village Pipra Tiwari: 18th February, 1957.</i>	
1. Mst. Gajja w/o Jhinkhu Harijan	20
2. Ramchander s/o Balitaj	10
3. Mst. Lahangi w/o Khusi	20
4. Ramdin s/o Bhuchenga Harijan	15
5. Mukand s/o Nand Kumar Tiwari	15
6. Mst. Munari w/o Ramat	20
7. Mst. Basanti w/o Sukhoo Harijan	20
8. Mst. Sukhrari w/o Jagarnath	20
9. Murti w/o Maloo Harijan	20
10. Samullah s/o Hasan Darji	15
11. Lochan s/o Kunji	20
12. Mst. Lachi w/o Bahadur	15
13. Patiraji s/o Saroop	1
14. Mst. Langri w/o Jagroop	20
15. Balli s/o Mahangoo	15
16. Mst. Basmatia w/o Sh. Maloo	
17. Mst. Sirtajia w/o Sobhi	
18. Mst. Somaria w/o Jaisri	20
19. Bihari S/o Sohit	20
20. Muneshwar s/o Sukayee	15
21. Alagoo s/o Dubri	1
22. Murat s/o Mohit	15
23. Ramroop s/o Tappi	15
24. Mst. Budhani w/o Jangi	20
25. Sohan s/o Gaya	20
26. Puran s/o Sohan	20
27. Rambali s/o Badhiram	15
28. Tribani s/o Ghingi	10
29. Subhag Narayan	20
30. Mst. Patasia w/o Fulchand	20
31. Sukhari s/o Jhanra	15
32. Patirajia w/o Girdhari	20
<i>Village Bhathi Raja, 20-2-57</i>	
33. Lakhan s/o Moos	15
34. Mst. Kajari w/o Fulchand	20
35. Indrason s/o Gapesb	15
37. Mst. Samtola w/o Adit	20
38. Mst. Kault w/o Ghurhoo	20
39. Mst. Bhagwani w/o Mahabir	20
40. Mst. Surja w/o Bhajan	20
41. Mst. Tilraji w/o Ali Mohd.	20
42. Muneshwar w/o Jaichand	15
43. Raghunandan s/o Sitaram	15
44. Mst. Maharaji w/o Chhabiraj	20
45. Mst. Kucha w/o Bhuali	20
46. Mst. Churiya w/o Bhagi Gond	20
47. Thag s/o Lochi	15
48. Lochan s/o Kumar Gond	1
49. Bishun s/o Raghu	2

I	2
	Rs.
50. Mukut s/o Ganpat	15
51. Chhathiya d/o Kuchai	20
52. Khub Lal s/o Salik	15
<i>Village Hata</i>	
53. Ramshan kes/o Sitaram	25
<i>Ghortap Village:</i>	
54. Mhagoo s/o Parmarath	10
55. Ram Oudh s/o Jhapasi	10
56. Bharosa s/o Baldeo	15
57. Ramraj s/o Joodhan	15
58. Devisaran s/o Abilakh	20
59. Phekoo s/o Kumar	15
60. Mahadeo s/o Balgind	10
61. Gorakh s/o Suchit	10
62. Munni s/o Bandhoo	10
63. Jadhurai s/o Basawan	10
64. Mst. Dulari w/o Khedan	20
65. Phuljhari w/o Ramlal	20
66. Bairagi s/o Sukhoo	10
67. Ramraj s/o Jeodhan	15
68. Khukhun s/o Bhulai	15
69. Ramdeo s/o Basawan	10
70. Phulwari w/o Gobardhan	20
71. Rojida w/o Rasool	20
72. Mst. Dhanesari w/o Ramjas	20
73. Mar Bauki w/o Mohd Fakir	15
74. Mst. Karwaria w/o Lagan	20
75. Safi s/o Sohbat Dewan	15
76. Jatan s/o Sital Harijan	15
77. Tapesar s/o Bandhoo	15
78. Parmarath s/o Sran	15
79. Musafir s/o Bujhawan	15
80. Bandhan s/o Mathura	15
81. Laujar s/o Jageshar	15
82. Banshi s/o Lagan	10
83. Bhikhu s/o Baghnath Soamber	10
84. Palakoo s/o Billar	10
85. Dhani s/o Sukhi	15
86. Dhani s/o Sukhi	20
87. Prabhu s/o Parsan	10
88. Mst. Jhanki w/o Dukharan	15
89. Subhag s/o Musayee	10
90. Mst. Nandia w/o Billar	20
91. Sheopal s/o Madho	20
92. Rajdeo s/o Billar	10
93. Mst. Sirtaji w/o Mahadeo	20
94. Sheo s/o Lochan	15
95. Munnum s/o Shurahoo	20
96. Ram Briksh s/o Jhuri	20
97. Sukhoo s/o Billar	10
98. Matar s/o Chillar	10
99. Budhoo s/o Mangroo	10
100. Rameshar s/o Naukoo	15
101. Kumar s/o Murat	10
102. Sukhdeo s/o Jhagroo	10
103. Dwarika s/o Ramdibal	20
104. Balikran s/o Billar	15
105. Bhulli s/o Nagayee	10
106. Mahadeo s/o Billar	10
107. Sanwaroo s/o Budhoo	10
108. Mst. Dhuria w/o Subhagi	20
109. Mst. Patasia w/o Dhondha	20
110. Nifikir s/o Gafoor	25
111. Sheonarayan s/o Jasan	15
112. Mst. Sonkali w/o Lochan	20
113. Dakhini s/o Mahabir	20
113. Banarsi s/o Budhoo	10
114. Mst. Fulena w/o Sukayee	15
116. Budhiram s/o Ghinahoo	10
117. Surajbali s/o Shinahoo	15

	1	2
		Rs
118. Mst Jagia w/o Autar	.	20
119. Mst Bhana w/o Chinahoo	.	20
120. Mst Tetari w/o Rajmani	.	15
121. Janki s/o Sukayee	.	10
122. Mst Somari w/o Balkoo	.	15
123. Mst Fulesari	.	20
124. Madh umangal s/o Kewal	.	15
125. Hanaraj s/o Kewal	.	10
126. Gagayee s/o Charittar	.	15
127. Munari w/o Naga	.	20
128. Bhagi s/o Murat	.	20
129. Guneshar s/o Billar	.	10
130. Mohan s/o Gambhir	.	10
131. Sukhi w/o Dukharan	.	15
132. Mst Naipali w/o Hasayee	.	20
133. Jeodhari w/o Murat	.	20
134. Raghubir s/o Naipal	.	15
135. Lachman s/o Kabilas	.	15
136. Seodut s/o Baldeo	.	10
137. Parmeshar s/o Khelawan	.	20
138. Bhagwant s/o Murl	.	20
139. Ramdas s/o Ramnath	.	15
140. Kewal s/o Mahupat	.	5
141. Bangali s/o Dildar	.	20
142. Autar s/o Mohar	.	10
143. Puramashi s/o Saroop	.	10
144. Harbans s/o Narahoo	.	10
145. Murat s/o Chhangur	.	20
146. Balram s/o Dahari	.	10
147. Jiawan s/o Nohar	.	20
148. Pravesh s/o Banwari	.	15
149. Mahesh s/o Bhual	.	15
150. Shivanath s/o Gobardhan	.	.

(Sd.) KAPIL DEO,
Petitioner.

NEW DELHI;
The 6th May, 1957.

I, Kapil Deo do hereby verify that the contents of the above Schedule are based on information received which I believe to be true verified at New Delhi on 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

NEW DELHI;
The 6th May, 1957.

SCHEDULE II

Part (B)

1. Kamla Pande Sarpanch Amwar Bazar.
2. Shankar Chaubey Sarpanch of village Bherihari.
3. Kapildeo Singh Sarpanch of village Khaikalan.
4. Raghubar Dharikar Panch Adalat Centre, Sohrauna
5. Kashu Ahir, Adalat Panch Centre Neutar
6. Rajaram Tell, Sarpanch, Bulawan
7. Ramakant Tiwari Sarpanch of village Bhainsaha
8. Achhaibar Pd. Gupta, Sabhapati village Urdaha
9. Ramjas Pd. Sadaysa of village Panopayat Urbaha.

10. Ram Jurawan Govind Rao, Panch of village Bagalaha.
11. Rajeshwar Tiwari, Sarpanch of village Balee.
12. Bikohadra Rao, Sarpanch of Dhunatkar.
13. Baje Govind Rao Sabhapati Barwa Khurd.
14. Jamuna Tiwari, Sarpanch Bagharath.

All the above 14 persons canvassed for the respondent to No. 1 and his allied Congress Assembly Candidates and also threatened the villagers in their circle that if they did not vote for respondent No. 1 and his party candidates they would be harassed by being involved in false cases which would be decided against them.

Shankar threatened Shyam Lal Singh and forced him to pay Rs. 200/- to the police just after the election as he had disobeyed his orders to work for respondent No. 1 and the other Congress candidates during the election.

He also threatened Prahlad and Hira. • Beside: the above he threatened to get the water pump taken out from their villages if they did not vote for respondent No. 1.

Ramakant sarpanch threatened Mukhlal ahir Mohari Rai and Nand Pd. on 2nd March, 1957 in Bhanisa Bazar that if they did not support respondent No. 1 and Rajdeo Upadhyai and Siva Prasad, he would see them and make their lives miserable. Kapildeo Singh Sarpanch threatened Sri Bijamial Sabhapati of village Sohrauna on 2nd March 1957 in village that if he did not canvass for respondent No. 1 and his allied congress candidates he would get him turned out from the post of Sabhapati.

Raghurai Dharikar worked as Polling agent at Khadda for respondent No. 1 and threatened Bijaimol and other voters in his village on 2nd March, 1957 with involving them in false cases in Padalati Panchait and deciding the cases against them if they did not support respondent No. 1 and Rajdeo Upadhyai and Shiv Pd.

Ram Prasad Mall sarpanch Barwar Mahadeva threatened Musai ahir and Kuari ahir Choktak Keori of village who were unwilling to vote for congress candidate and ultimately they had to promise their votes for congress candidates for assembly and Parliament.

The inhabitants of Tola Deeh Bazar of village Tekuat were supporting Sri Lakshmikant Chautrvedi the Jan Sangh candidate when the pradhan of the village who is Muslim coerced them a vote for Respondent No. 1 and the other congress candidates but when he found that they did not change their minds he informed the congress candidate for assembly Sri Rajdeo Upadhyaya, who himself went to Deeh Bazar and threatened them with dire consequences.

Sri Jamuna Tiwari Sarpanch Baghnath:—He threatened the villagers in his Panchayat circle that if they did not vote for respondent No. 1 he would involve them in false cases in his adalat Panchayat. He canvassed with Bhimmal and Nagu of village Baghnath tola prayagpur Naraiyan Kahar son of Jattan Kanhar Binchayadchal and many others all through February 1957.

Similarly Bukharan Singh and Lakhan Singh sarpanch of village Barahara and Adhya Pande sarpanch of village Machhargewan also canvassed for respondent No. 1.

Rambali Pande sarpanch Pragpur threatened Autar son of Sheo Harjan, Nirchoo s/o Bhargi Harijan residents of village Prayagpur and Budhi Nagar s/o Mahadeo of Sirauli with dire consequences if they did not vote for the respondent No. 1 and other congress candidates for assembly.

Adya Pande s/o Jokhan Pande sarpanch Auratar threatened Hira s/o Govind Rarahai Chhtharloo s/o Deep Harijan and Rajmen Harijen residents of Kohanwaral to vote for congress candidate.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May, 1957.

I Kapil Deo do hereby verify that the contents of this Schedule are true to my information received and believed to be true verified on 6th May, 1957 at New Delhi.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner

SCHEDULE III

Respondent No. 1 and Shri Rajdeo Upadhyaya and Shiv Prasad, the two Assembly candidates seeking election from Sidna Jobna Double member Assembly Constituency on the Congress Ticket and their agents and supporters started a strange so-called Satyagrah at Lakshami Devi Sugar Mills Ltd. Chhitauni for the reinstatement of 76 workmen who were dismissed in pursuance of the order of the Supreme Court of India dated 24th October 1956. The so-called Satyagrah was continued by respondent No. 1 and his allied Congress Assembly candidates, their agents and others interested in their election from 17th January 1957 to 15th February, 1957 for showing themselves off as champions of labour and to woo the labour to vote for him and for the other Congress candidates and to keep engaged Shri Madan Pal Singh, the Manager, who was a candidate for Parliament as well as U.P. State Assembly, so that he might not be able to devote his attention and energies to his election campaign. The said Shri Madan Pal Singh brought all the facts and circumstances to the notice of the district authorities of Deoria and also of the State Government, but no step whatsoever was taken either by the District authorities or the Government to let the factory function by the trespassers from the Sugar-cane weighbridge of the said Lakshami Devi Mills Ltd., though Police and Magistrate were present even on 17th January 1957. Due to the stoppage of the Mills, harassment caused to the cane-growers and the congress workers of respondent No. 1 told the cane growers that respondent No. 1 could alone save them by allowing the Mills to start crushing and thus promises for voting for Respondent No. 1 and Shri Rajdeo Upadhyaya and Shiv Prasad Congress candidate for State Legislative Assembly, were extorted from them.

Shri C. B. Gupta, Ex-Hon'ble Minister for Planning and Industries U.P. in his zeal to support the cause of the respondent No. 1 who is a labour leader of his party, manipulated things in such a way that no steps to remove the trespassers were taken till 15th February, 1957. The Police posted at the said Mills had orders to arrest the said Shri Madan Pal Singh on the slightest pretext and thus he was virtually under house arrest during the period of this so called Satyagrah.

The Ex-Hon'ble Minister Shri C. B. Gupta, then Minister for Planning and Industries in the course of his election tour, visited various places in Deoria District and reached Gorakhpur in the night of 12th February, 1957. Respondent No. 1 and his supporters had threatened some of the Directors and parties of the said Mills that the said Hon'ble Minister had studied the condition of this Mill and very soon an authorised Controller of the Mill would be appointed. The threat of the appointment of an authorised Controller frightened the directors and they were asked by Respondent No. 1 to see the said, Hon'ble Minister in the night in the Inspection House at Gorakhpur. Some of the partners met him at the Inspection House where he told them that their Mills would not be allowed to start crushing unless they dismissed their Manager Shri Madan Pal Singh and agreed to the terms of the respondent No. 1. They were highly nervous and frightened and were not even allowed to explain their position. The said Hon'ble Minister directed them to get in contact with respondent No. 1. In the morning of 13th February, 1957 they again saw the said Minister when he told them that he could request respondent No. 1 to settle their matter and before leaving Gorakhpur he telephoned to respondent No. 1 at Padrauna to talk with them. On 13th February, 1957 the parties of the said Mills after their return from the Inspection House, telephoned to respondent No. 1, and entreated him to come to Gorakhpur. The respondent No. 1 reached Gorakhpur in the night of 13th February, 1957. On the 14th February, 1957, respondent No. 1 asked the partners present *inter-alia* to dismiss Shri Madan Pal Singh and to re-instate the 76 dismissed employees and also those whose cases were pending in courts and if they did not dismiss Shri Madan Pal Singh just then, they should ask Shri Madan Pal Singh to withdraw from election contests for the Lok Sabha and the U.P. Assembly for both of which he was a candidate. The partners present told respondent No. 1 that they could not agree to his demands as dictated by him. The respondent No. 1 then suggested that the demands may be referred to arbitration of Shri O. N. Misra, Labour Commissioner, U.P., for arbitration. The parties present in the meeting were highly frightened by the threat of appointment of an authorised controller and also by the wrath of the said then Hon'ble Minister for Planning and Industries and they agreed to refer the matter to arbitration. Shri R. P. Maheshwari, Regional Conciliation Officer, Gorakhpur, and respondent No. 1 prepared a draft agreement, got it signed by those directors who were present, excluding Shri Ratan Lal Kedia and Shri Bholiram Jhunjhunwala, who signed it at their place. The said R.C.O., Gorakhpur it

After the signing of the alleged agreement, the respondent No. 1 asked the Chief Minister U.P. on Phone to allow the said Mill to start working and also to direct the Cane Commissioner U.P. to issue necessary direction to the local Co-operative Development Unions to start the cane supply which had been stopped, and consequently every thing as desired by respondent No. 1 was done. Mills started crushing on 15th February, 1957. As promised the partners asked Shri M. P. Singh to withdraw from the contest to the U.P. Legislative Assembly and the Lok Sabha for both of which he was a candidate and he under threat of dismissal had to file retirement applications from both the contests. The retirement applications were filed on the 20th February, 1957. Accordingly he ceased to be a contesting candidate for the Sidna Jobna Assembly constituency where election was fixed for 3rd March, but his application for retirement from the Hata Lok Sabha Election was a day too late as Election in one part of this constituency was to begin on 28th February, but even though he could not cease to be a contesting candidate for Lok Sabha, he was not permitted to do any work for his election. During the period of the so-called Satyagrah Shri Madan Pal Singh's personal character and conduct was painted in the darkest colour by the respondent No. 1, Sri Gopal Krishan, Shri Bhagwat Sahi, and Shri Rajdeo Upadhyia in various meetings held at Deoria, Ramkola, Captainganj, Chhitauni, Padrauna, Kasia, Lakshamiganj, and the election campaign of the respondent No. 1 was a regular campaign of vilification of Shri Madan Pal Singh.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May 1957.

I, Kapil Deo, do hereby verify that the contents of the above Schedule are based on information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner

The 6th May 1957.

SCHEDULE IV

The workers of the respondent No. 1 canvassed for votes with tri-colour flag which they told the electors was the Government flag and they wanted votes for the Government in Power.

The workers who canvassed for votes for the Congress candidates including the respondent No. 1 put on badges bearing the photo of Mahatama Gandhi the father of the Nation and they asked the elector to vote for Mahatama Gandhi.

Sharva Shri Rajdeo Upadhyia a candidate for the Assembly, and Shri Bhagwat Sahi and Gopal Kashyap asked the electors to vote for the Government and they misled the villagers by telling them that if they did not vote for the Government they would starve and die. The congress and the Government were used as synonymous terms which caused a wrong impression on the mind of electors.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May 1957.

I, Kapil Deo, do hereby affirm and declare that the contents of this Schedule are true to information received which I believe to be true. Verified this the 6th day of May 1957 at New Delhi.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May 1957.

SCHEDULE V

List of voters carried by cars, tractors, and trailers by Respondent No. 1 Kashinath Pande at various polling stations.

(1) At Dargauli Polling Station:—

A jeep car carried voters from villages to the Polling Station for the whole day. Complaint was made against this corrupt practice by the Polling agents of the petitioner and other candidates but no action was taken to stop it.

From tola Ramnagar, village Drangauli, Shri Bhoop Tiwari Kishore, Yadave, Ramyadava, and a large number of female voters were brought to the Polling Station.

(2) At Nebua Raiganj Polling Station:

Sri Ranjit Singh, son of Dalsinghar Thakurai of Nebua and Ramchander Son of Sri Ramdhari Pande President, D.C.C., Deoria, working for Respondent No. 1 carried voters on tractors' trailers of Sri Dalsinghar Thakurai from village Kirwania and Nebua. Complaint was made by the Petitioner's agent but the same was not entertained.

(3) At Barwa Mahadeva Polling Station:—

Sri Sarwati Pande, Markandy Pande, Hausila Tiwari and Aswani Kumar Pande canvassed and Polling agents of the Respondent No. 1 Sri Kashinath Pande, carried voters on tractor trolly of Sri Sarwati Pande from village Padari, Parsauni, Eshrauna. A complaint was filed by agent Shri Dhrub Prasad Dubey, Polling agent of Sri Kashildeo.

Large number of voters such as:—

1. Badri Kewat of village Binduar and his wife.
2. Mahadeo Kewat of village Binduar and his wife.
3. Chandi Tiwari.
4. Mahabin Kewat of village Binduar.
5. Ramchandra Bania of village Binduar.
6. Manti Upadhya of village Mangalpore.
7. Bhabuti Singh of village Dharha and many other voters were taken on tractor trailers to polling Ahirauli Machhargawan and Dharha.

The process of transporting voters continued throughout from 8 A.M. to 4 P.M.

The tractors which were actually used belonged to:—

1. Vichitra Narayan Singh of village Ahirauli.
2. Bhagelu Pande of village Machhargawan.
3. Sahibzada Singh of village Dharha.

NOTE.—The above persons continued to transport voters inspite of protests and complaints to the Presiding Officer.

Public carrier of Sri Bindehwari Prasad, Chairman Municipal Board, Padrauna, and tractor with trailer of Shri Sarwati Pande of village Deoria, were employed for conveyance of electors to the Polling Station Padrauna on the Polling day of Respondent No. 1.

That at Dandopur Polling Station tractor and trailer of Sri Babban Misr of Sakhui was employed by the respondent No. 1 for conveyance of electors from various villages falling in the area of this Polling Station.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

the 6th May, 1957.

I, Kapil Deo, do hereby affirm and declare that the contents of this Schedule are true to information received which I believe to be true. Verified this the 6th day of May 1957 at New Delhi.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

the 6th May, 1957.

SCHEDULE VI

The respondent No. 1 and Sharvashri Rajdeo Upadhya, The Congress candidate for U.P. Assembly from Sidhua Jobana Constituency, Bhagwat Shahi village Singha Secretary Zila Mazdoor Federation Deoria (at Padarauna). Gopal Shyap and others interested in the election of the respondent attacked the personal character and conduct of respondent No. 5 who was the K.M.P.P. candidate for Parliament from Hata Parliamentary Constituency in various election meetings held through out the said constituency. The following are the some of instances.

Sharvashri Rajdeo Upadhyia and Bhagawat Shahi and Gopal Kashyap hurled abuses on Prof. Shibbanlal Saxena, at Deoria, Captaingunj, Padarauna, Lakshamiganj, Ramkola, Kathkuiyan Khada and Bulahawa. Shri Bhagawat Shahi constitutently called him and Shri Madanpal Singh, as men who were adept in giving bribes and influencing the judges and corrupting the judiciary of the state and the Union. He also called them Dakoo and Chor. Various other serious false statements made by them were reported to various authorities.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May, 1957.

I, Kapildeo do hereby affirm and verify that the contents of this Schedule are true to information received which I believe to be true. Verified this the 6th day of May, 1957 at New Delhi.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May, 1957.

SCHEDULE VII

The return of election expenses filed by the respondent No. 1 is incorrect in so far that many items of expenses have not been shown and the vouchers supporting some of the items of expenses are not proper. Among other items of expenses not shown or supported by false vouchers are the following:—

Expenses incurred and paid on account of postage, telephone and telegrams have not been shown.

The price of petrol shown in the return is wrong. There were about 20 jeeps and a dozen tractors which worked for respondent No. 1 all through February and first week of March. Cost of petrol must have been about Rupees ten thousand and the cost of Deisel oil and mobil-oil must have been about Rupees One Thousand. The price of mobil oil, deisel oil and powerine has not been shown at all in the accounts.

All cars were fitted with Loud Speakers Expenses on them must be over Rs. 7,000/-.

The half of the price of 2 cycles purchased is not shown as unpaid.

Cost of some 5000 congress flags must be about Rs. 5000/- which is not shown.

Expenses of meals and refreshments though incurred have not been shown. There were election offices of Respondent No. 1 in Kathkuiyan, Padrauna, Ramkola, Lakshamiganj, Captainganj Pipraich, Shukrouli, Hata, Siswa Bazar, Nichlaul Thuti Bari, Garaura, Mithaura Barhya, Khada, Chitauni, Niboa and many other places. Expenses of workers, volunteers and their food all through February and March exceeded Rs. 10,000/-.

The travelling expenses of the polling agents have not been shown though some of them came from out stations like Meerut etc. The expenses of polling agents on polling day exceeded Rs. 10,000/- on 500 polling stations.

The price of mettalic seals used for sealing the ballot-boxes have not been shown.

Cost of Stencils, and Geru have not been shown though walls were painted by Stencils.

The expenses incurred in connection with the filing of nomination papers have not been shown.

Printing charges have not been shown in full some papers which were not printed at Padrauna have not been shown.

Salaries and other expenses paid have not been shown

Travelling expenses of the man who made purchase at Lucknow and the transport charges and freight are not shown in the return.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May, 1957.

I, Kapil Deo, do hereby affirm and verify that the contents of this Schedule are based on information received which I believe to be true. Verified this the 6th day of May, 1957 at New Delhi.

(Sd.) KAPIL DEO,

NEW DELHI;

Petitioner.

The 6th May, 1957.

SCHEDULE VIII

The services of the following Government servants were utilised by Sri Kashinath Pande respondent No. 1 for furthering the prospects of his own election and of other candidates of his party:—

1. Azizul Rehaman Secretary Cooperative Development Union Ramkola Sugar Mills Ramkola.

(a) He distributed rations only on the direction of Dhondha congress election workers of respondent No. 1, on slips on which the two bullocks with yoke were printed on their back.

(b) He refused to give rations to persons who were against the election of respondent Sri Kashinath Pande. Such persons are Kuber Yadaua of Morwan, Abdul Sakoor Sepahi, of Ramkola Khetan Mills, Munni Yadava Chaukidhar Panjabi sugar Mills Ramkola, Ram Lal Yadava fitter Ramkola sugar Mills, Surajnarayan Singh, Panjabi Sugar Mills Ramkola and Baban Gosain and many others.

(c) He ordered his staff to work for respondent No. 1 Sri Kashinath Pande and other Congress candidates.

2. Ram Nagina Singh A.C.D.O. Sri Kailashpati Singh A.C.D.O. and Kailaspati Srivastava accountant cane Union and staff of cane Union Chhitauni canvassed for respondent No. 1 Sri Kashi Nath Pande and they distributed rations through Sri Rajaram Teli Adalati Sarpanch and congress worker of Bualwa who was his active canvasser and he also told Raman ahir s/o Soman Moe ahir, Rajeshar Dubey residents of Bulahwa to vote for congress candidates.

3. Dharma Deo Lal Patwari of village Pakri Brij Lal threatened Bhupati ahir of Pakri Brij Lal; Khelawan dhobi of Hanuman Ganj and Budhan Harijan of Hanumanganj that if they would not vote for Respondent No. 1, Sri Kashi Nath Pande, they would be a victim of wrong entries in revenue records and several false cases would be started against them.

4. Bramha Lal Lakhpai of Saran Chhapra threatened Bihari Ram Raj and Babu ram of village Siswa Gopal that if they did not vote for respondent No. 1. Sri Kashinath Pande, wrong entries would be made in the Revenue papers against them.

5. Jagdish Patwari of Gram Ahirauli, Chhedi Pande Patwari of Bahor Chhapra, Hauslia Tiwari of Chhitauni Kopaganj. All these Lakhpals threatened the voters of their circle and told them that if they did not vote for candidates of congress, they would do wrong partial and spoil their revenue records which would cause them much sufferings and they actively canvassed for respondent No. 1 Shri Kashinath Pande.

Ram Chandra Dubey, Block development Organizer, P. R. D. Khadda worked for the whole month of February 1957 for the congress candidate from village to village and asked the villagers to vote for respondent No. 1 Sri Kashinath Pande. He further promised to Sri Mohammad Khali and Sri Bishwanath Dubey of village Lakshmiapur to get them some employment after the election. He threatened Sitaram Harijan and Ram Krishana Misra of Lakshmiapur and Khelawan charmar and Dulli Teli of Bhainsaha with harm to them if they did not vote for respondent No. 1 Sri Kashi Nath Pande.

6. (1) Surendra Mani Tripathi Secretary, Panchayat Bhujauli.

(2) Ishwar Saran Srivastava Secretary of Barwa Ratanpura.

(3) Akaloo Pd. Harijan Secretary of village Sohrauna centre.

(4) Sukhan chaudhury, Secretary of Nautar Junge.

All these secretaries worked and canvassed for congress and the secretary of harwa Ratanpur also wrote congress voters cards.

7. M. C. Jain, S. D. Hata asked Shri Madan Pal Singh to withdraw his nomination paper and support the Congress if he wanted to save himself from trouble. He helped the so called Satyagrahies when he went to Chhitauni.

8. Sri Ram Lagan Singh, Circle Inspector of Police Deoria posted at Chhitauni saw to it that Madan Pal Singh was not able to do any election work for himself.

9. Lokhnath Pande, Panchayat secretary of village Purani threatened Tribeni Dikshit of Belwania to work for the congress in the presence of many persons.

10. Gajraj Pande, Block Organiser P.R.D., worked for the Respondent for Kashinath Pande and other Congress Assembly candidates against which the complaint was made by the villagers

11. Sri Bramlal Lekhpal of Saran Chhapra threatened Bihari son of Lodhai Koeri of village Siswa Gopal who was a P.S.P. worker to canvass and work for congress candidate, else dire consequences will follow. He also forced Bindeshari Kalwar s/o Fakir Kalwar to withdraw his appointment as polling agent of K.M.P.P. and to become agent of congress candidate.

12. Dhuh Lal Lekhpal of Pakari Brijlal told Jhakari to support congress candidates but he refused to do so and consequently after the election he got Kukur Julaha to occupy the field of Jhakari.

13. Ramchandra Branch Post master of P.O. Mithuara Bazar canvassed for respondent No. 1 and other congress candidates. He pulled down the KMPP flag in the Mithuara Bazar and hoisted the Congress flag in its place.

14. Banke Bihari Lal, Lekhpal Bajeha threatened and asked Badri Bhar Jaggan Tali r/o Baujaha and Budhoo Teli Deoria to vote for respondent No. 1 on pain of severe consequences.

15. Ram Sewak Singh, constable P.S. Nichlaur threatened Rahim and Safar of Nichlaur to implicate them in serious criminal cases if they did not vote for and work for respondent No. 1 and other congress candidates.

16. Ishwardutt Pande, Panchayat Secretary, Nichlaur and Ramadhare Pande village Level worker of Nichlaur and Vishwanath Panchayat Secretary Adalat centre Mathia canvassed for respondent No. 1 and other Congress candidates.

17. Sri Zmunrati A. C. D. O. Kathkuiyan, canvassed and forced the cane growers to vote for respondent No. 1 and other congress candidates.

18. Rama Charkaha master of Andhar Bari canvassed for respondent No. 1 and other congress candidates.

19. Sri Gajraj Pande, resident of village Pipra Humel, Block Organizer Prantiya Raksha dal, canvassed for respondent No. 1 and Sri Suraj Bali Pande, On 20th February, 1957 he canvassed with Surajbali Pande in village Baghnath etc. and got subsidy distributed in the villages of the constituency.

20. Narsingh Lekhpal Bodarwar visited village Padauli and threatened the voters that if they did not vote for respondent No. 1, they would have to suffer much and their records in his papers will be spoilt.

21. Ram Assis Lal, Lekhpal, Khutha, threatened the voters in village Khutha and Bansahia Bazar that if they did not vote for respondent No. 1, they would be seriously injured and he would not do their partial correctly.

22. Sri Kamleshwar Singh A.C.D.O. Pipraich along with his staff canvassed for respondent No. 1, and Sri Surajbali Pande and forced the children of the schools run under the auspices of the cane development Union to write voters cards of Surajbali Pande. He also dismissed Munsarim, gate peon of the society, because he would not canvass for respondent No. 1, and Surajbali Pande on 11th March 1957, immediately after polling.

23. Sri Bagesh, supervisor of Barwa Bazar canvassed throughout February all over the Hata constituency. Some villages where he canvassed are Binduar, Mundera, Sinduar, Khutha.

24. Prithviraj Tiwari, Supervisor seed stores Bodarwar, canvassed in Bodarwar all through the period of Election with those who came to take seed. He also said seed would be given only to those who would vote and work for the respondent No. 1, and Surajbali Pande. He canvassed with Munshi Ram, Ram Partap Bhuj, Nanda Panwari, Jagan Lal Marwari on 21st February, 1957, at Bodarwar in the same terms. All these four persons belong to village Bodarwar.

25. Ram Naresh Pande and Ram Narain Gupta Panchayat Inspector Hata, persuaded the sabhapaties and Sapanches to work for the respondent No. 1 and

26. Sub-Inspector Police, Captainganj actively worked for respondent No. 1 and Surajbali Pande threatened the voters with dire consequences and even beat Devi Prasad, President of village Goan Sabha Saumbhakhori during the period of election in order to terrorise the voters.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

I, Kapil Deo do hereby verify that the contents of the Schedule are true to information which I believe to be true. Verified on 6th day of May 1957 at New Delhi.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 8th May, 1957.

SCHEDULE IX

The respondent No. 1 and his agents and supporters got a large number of votes cast in the favour of respondent No. 1 by abetting impersonation. The petitioner has not been able to verify all cases of impersonations yet and they will be furnished later after the inspection of the marked lists and ballot papers; the following are a few of the cases of impersonations.

1. Jagdhar, s/o Harbans of village Mahui died a week before the polling day viz., 3rd March, 1957 but the polling agents of respondent No. 1, got his vote cast in favour of the respondent No. 1.

2. Pratap Singh s/o Shri Bir Bahadur Singh of village Barwa was on duty on 3rd March, 1957, the polling day in Hata Constituency, at Fazilnagar Hydre Electric station and did not cast his vote but the agents of the respondent No. 1 got his vote cast in favour of the respondent No. 1 at Barwa Polling station by resorting to impersonation.

3. Benimadho Misir of Kotwa has his name on the voter list of two villages and he cast his vote at one place only but the supporters of the respondent No. 1 got his vote cast in the other village also by arranging impersonation on 3rd March, 1957.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

I, Kapil Deo, do hereby affirm and verify that the contents of this Schedule are true to information received which I believe to be true. Verified this the 6th day of May, 1957 at New Delhi.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

SCHEDULE X

The following Muslims were threatened by Respondents 1 and 2 and Kashinath Pande and their agents and workers that if they did not vote for congress they would have to go to Pakistan as things would be made too hot for them.

1. Majid Hussain Khan of Captainganj.
2. Hafi Mian of Chhittauni.
3. Lakhui village People.
4. Kohargaddi village People.
5. Barwa Ratanpur village People.
6. Nawab Ali, village Binduar.
7. Subhan Ali, village Binduar.
8. Mausarim, village Banduar.
9. Buddhoo, village Banduar.
10. Wali Mohammed, village Banduar.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

I, Kapil Deo, Petitioner do hereby verify that the contents of the above Schedule are true to information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

SCHEDULE XI

The number of persons against whom discrimination was practised is very large, some names of such persons are given below:—

1. Bhrigunath Shukla of village Jataha.
2. Singhasn Singh of village Sekhui.
3. Ranjit Dubey of village Khairi.
4. Ramji Chaubey of Khairi.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

I, Kapil Deo petitioner do hereby verify that the contents of the above Schedule are true to information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

SCHEDULE XII

The list is large but some instances are given below:—

1. Paranath Pande village Baluahi.
2. Trijugi Narayan Pande of village Baluahi.
3. Jantri Rai of Siswania.
4. Nikkan Gosain of Belwa.
5. Mohammed of Lachmipur.
6. Bishwanath Duby of village Lachmipur.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

I, Kapil Deo petitioner do hereby verify that the contents of the above Schedule are true to information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

SCHEDULE XIII

The Respondent No. 1, practised such methods in—

1. Bulahwa Bazar.
2. Lachmiganj.
3. Ramkola, and
4. Patalwa Bazar on the occassion of the Shiva Ratri fair.

NEW DELHI;

(Sd.) KAPIL DEO,

Petitioner.

The 6th May, 1957.

I, Kapil Deo, Petitioner, do hereby verify that the contents of the above Schedule are true to information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

SCHEDULE XIV

Janki Saran

The Arhar and Masur standing green crops of Janki Saran in village Baluahi was cut and destroyed during the elections at the instigation of Respondent No. 1, and he has been threatened that his fields would be raided and ruined in Kop Jungle.

Majeed

Respondent No. 1, has threatened that the fields belonging to Majeed would be distributed to Harijans, or acquired for a Harijan Ashram.

Rajpate

Respondent No. 1 and Raj Deo Upadhya declared in a public meeting that a thousand men would raid his fields.

Abhiraj

He and his family have been involved in false cases.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

I, Kapil Deo, petitioner do hereby verify that the contents of the above Schedule are true to information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

SCHEDULE XV

Complaints were lodged in the following polling stations:

1. Ramkola Urdaha.
2. Bhiriari.
3. Deoria Babu.
4. Chakhuni Bhuiari Pattl.
5. Khutahi.
6. Barwa Mahadeva.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

I, Kapil Deo, Petitioner do hereby verify that the contents of the above Schedule are true to information received which I believe to be true. Verified on 6th May, 1957 at New Delhi.

NEW DELHI;
The 6th May, 1957.

(Sd.) KAPIL DEO,
Petitioner.

[No. 82/463/57.]
DIN DAYAL, Under Secy.

